

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

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VICTOR REYES, on behalf of himself and all other similarly situated persons,

CIVIL ACTION

Plaintiffs,

Case No.: 2:17-cv-04719-JMA-AKT

v.

SEARS HOLDINGS CORPORATION, SEARS,  
ROEBUCK & COMPANY and XPO LOGISTICS,  
INC., successor-in-interest to 3PD, INC.,

Defendants.

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**JOINT CERTIFICATION OF JEFFREY A. BLOCK, ESQ. AND  
DAVID L. SCHER, ESQ. IN SUPPORT OF MOTION TO  
WITHDRAW AS COUNSEL**

We, JEFFREY A. BLOCK, ESQ. and DAVID L. SCHER, ESQ., of full age, do hereby certify as to the following:

1. We are attorneys-at-law in good standing in the State of New York and in this Court in particular and are partners of the law firm of Block, O'Toole & Murphy, L.L.P. ("Block O'Toole"), attorneys of record for Plaintiff Victor Reyes, on behalf of himself and all other similarly situated persons, in the above-captioned action.
2. We have personal knowledge of all facts certified herein.
3. We make this Joint Certification in support of our motion, pursuant to Local Civil Rule 1.4, for an Order granting ourselves and our law firm of Block O'Toole, leave of Court to withdraw as Plaintiff Victor Reyes' attorneys of record in the above-captioned action and to be terminated and withdrawn from receipt of electronic filings in said action.
4. Pursuant to Local Civil Rule 1.4, "satisfactory reasons" exist to allow for the requested withdrawal in this matter:

- a) Plaintiff Victor Reyes retained Ravi Sattiraju, Esq. to represent him in this action and desires Mr. Sattiraju to so represent him.
- b) Mr. Sattiraju is “of counsel” to Block O’Toole and requested that we file this action on Plaintiff’s behalf due to concerns regarding an approaching statute of limitations bar.
- c) We filed the Class Action Complaint and Jury Demand on August 11, 2017. (See ECF No. 1).
- d) On that date, Mr. Sattiraju was not admitted to practice as an attorney before this District.
- e) On September 19, 2017, Mr. Sattiraju became admitted and qualified to practice before this District.
- f) On September 22, 2017, Mr. Sattiraju filed a Notice of Appearance and Request to Receive Electronic Filings with the Court. (See ECF No. 5).
- g) It was noted in his Notice of Appearance that Mr. Sattiraju would be “lead counsel” and practicing through his own law firm, The Sattiraju Law Firm, P.C., located in Princeton, New Jersey.
- h) Mr. Sattiraju is now in a position to take over complete control of this litigation from us and our participation is no longer needed.

5. To date, only Defendant(s) Sears Holding Corporation and Sears, Roebuck & Company have been served with process.

6. Defendant XPO Logistics, Inc. has not yet been served with process.

7. To date, neither Defendant has filed an Answer pleading or otherwise moved as to the Class Action Complaint and Jury Demand, nor is any such a pleading yet due.

8. "In addressing motions to withdraw as counsel, district courts have typically considered whether 'the prosecution of the suit is [likely to be] disrupted by the withdrawal of counsel.'" Whiting v. Lacara, 187 F.3d 317, 320-21 (quoting Brown v. National Survival Games, Inc., No. 91-CV-221, 1994 WL 660533, at \*3 (N.D.N.Y. Nov. 18, 1994)).

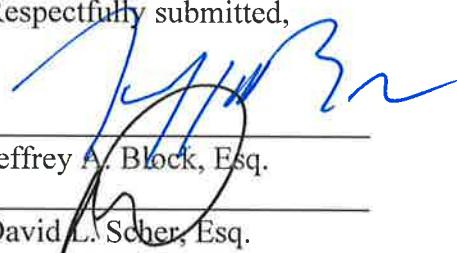
9. Our withdrawal, as well as the withdrawal of the law firm of Block O'Toole, will not disrupt the prosecution of this case in any way.

10. Neither of us, nor the law firm of Block O'Toole, is asserting a retaining or charging lien in this matter.

11. Plaintiff Victor Reyes is being served with a copy of these motion papers via electronic mail.

12. We certify under penalty of perjury that the foregoing is true and correct.

Respectfully submitted,

  
Jeffrey A. Block, Esq.

David L. Scher, Esq.

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Withdrawing attorneys for Plaintiff  
Victor Reyes, on behalf of himself and all  
other similarly situated persons

Date: October 6, 2017  
New York, New York